

Attorney Docket No. 06618-706001  
Serial N .: 09/682,593  
Amendment dated October 31, 2003  
Reply to office action dated July 2, 2003

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Initially, the indication that claims 3-5, 12, 18, 20, 21 and 29 are allowable is appreciatively noted. In response, claim 1 is amended to include the limitations of claims 2 and 3 and should be allowable along with claims 4 and 5 which depend therefrom. Claim 12 is also amended into independent form. Claim 16 is amended to include the limitations of claims 17 and 18. Claim 20 is amended into independent form. Finally, claim 26 is amended to include the limitations of claim 29. Each of the above-mentioned claims should thus be allowable.

Claim 6 is amended into independent form herein, and the rejection of claim 6 based on Jiang is respectfully traversed. Specifically, Jiang teaches a MEMS device with a cantilever. A sacrificial layer 130 of photoresist is provided. The rejection states that "there are at least one bumps (structures) between said polymer structure and said substrate which avoid said polymer structure sticking to said substrate after said removing (see figure 1B)". However, this contention is respectfully traversed. Clearly, there is a photoresist layer 130 which is

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removed to leave the cavity. However, there is no teaching or suggestion of any "antistatic layer on said substrate, antistatic layer formed of a different material than a material of said substrate". There is no teaching or suggestion that the mid-layer with "bumps" has an antistick layer. Therefore, this limitation is suggested by the prior art.

Claims 8 and 9 were further rejected based on Hetrick. Admittedly Hetrick teaches both titanium and polysilicon used as layers, but both of these layers are used as electrodes, not as antistatic layers. There is no teaching or suggestion in the hypothetical combination of Jiang in view of Hetrick to use any antistatic layer, much less one of polysilicon (claim 8) or titanium (claim 9).

Claim 19 is also amended into independent form. Claim 19 was rejected over Jiang in view of Zhao. The rejection admits that Jiang does not teach the legs, and provides Zhao which shows a leg in its figure 9. The rejection states that Jiang teaches removing a portion that is around the leg, when it removes the sacrificial layer that is near the leg. This broad interpretation of the claim language is well taken. In response, claim 19 is amended to recite freeing the legs from the substrate. Jiang does not teach or suggest freeing the legs

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from the substrate in this way. Therefore, claim 19 should be additionally allowable.

Claim 22 has been amended into independent form, and should be allowable for reasons discussed above.


The dependent claims should be allowable for reasons discussed above with respect to the respective independent claims.

In view of the above amendments and remarks, therefore, all of the claim should be in condition for allow. A formal notice that effect is respectfully solicited.

Please apply any charges or credits to Deposit Account No. 06-1050, including the extension of time.

Respectfully submitted,

Date: 10/31/03

  
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Scott C. Harris  
Reg. No. 32,030

Fish & Richardson P.C.  
PTO Customer Number: 20985  
12390 El Camino Real  
San Diego, CA 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099  
10342116.doc